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**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, APRIL 16, 2002 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at (619) 578-7540.

ITEM-300: ROLL CALL.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
**COMMITTEE ON NATURAL RESOURCES, AND CULTURE, ORDINANCES TO BE
INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:**

ITEM-330: Five actions related to Lifeguard and Fire Facility Improvements.

(See City Manager Reports CMR-02-063 and CMR-01-171. Districts-1, 2, 3, 4, 6, 7 and 8.)

(Continued from the meeting of April 2, 2002, Item 150, at Councilmember Peters' request, so he can be present.)

TODAY'S ACTIONS ARE:

Adopt the resolutions in Subitems A, C, D, E and Introduce the ordinance in Subitem B:

Subitem-A: (R-2002-1242)

Approving the conceptual financing plan for the remodeling and/or construction of lifeguard facilities and the addition of these facilities to the Fire Facility Financing Plan.

Subitem-B: (O-2002-116)

Introduction of an Ordinance approving proceedings to finance the costs of certain capital improvements of the City; approving issuance of lease revenue bonds by the Public Facility Financing Authority of the City of San Diego of an amount not to exceed \$30,000,000 aggregate principal; approving the forms of and authorizing the execution and delivery of a site lease, a lease, and an official statement; authorizing the procurement of a municipal bond insurance policy (and debt service reserve fund surety bond); and approving and authorizing related documents, official actions and matters in connection therewith.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

Subitem-C: (R-2002-1243)

Designating Site 19, Area A for Fire Station No. 2 - Central Mission Valley;

Authorizing the City Manager to execute a phase-funded consultant agreement with WLC Architects, Inc., for Fire Station No. 2;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$89,400 from CIP-33-098.0, Fire Station Major Components Replacement and Rehabilitation, to CIP-33-101.0, Fire Station 2 - Central Mission Valley, for Phase

I of the consultant agreement with WLC Architects, Inc.;

Authorizing the appropriation of an amount not to exceed \$45,000 from Fund 14000, Building Permit Fee District C, to CIP-33-101.0, Fire Station 2 - Central Mission Valley, for the construction of a mini-park adjacent to the fire facility;

Authorizing the expenditure of an amount not to exceed \$89,400, for Phase I of the agreement; and an amount not to exceed \$282,140 for Phase II from CIP-33-101.0, Fire Station 2 - Central Mission Valley, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that such funds are or will be on deposit with the City Treasurer.

Subitem-D: (R-2002-1244)

Authorizing the City Manager to execute a phase-funded agreement with Jeff Katz Architecture, for Fire Station 5 - Uptown;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$68,400 from CIP-33-098.0, Fire Station Major Components Replacement and Rehabilitation, to CIP-33-104.0, Fire Station 5 - Uptown, for Phase I of the consultant agreement with Jeff Katz Architecture;

Authorizing the expenditure of an amount not to exceed \$68,400 from CIP-33-104.0, Fire Station 5 - Uptown, for phase I of the agreement; and an amount not to exceed \$152,100 from CIP-33-104.0, Fire Station 5 - Uptown, for phase II of the agreement, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that such funds are or will be on deposit with the City Treasurer.

Subitem-E: (R-2002-1245)

Authorizing the City Auditor and Comptroller to establish special interest-bearing Fund 30247, Capital Outlay - Fire Stations, to receive lease revenues from the tenant currently using the property on the west side of San Ysidro Boulevard that was recently acquired for Fire Station 29, and using these revenues and any interest earnings for CIP-33-103.0, Fire Station 29 - San Ysidro;

Authorizing the City Auditor and Comptroller to appropriate any monies deposited into Fund 30247, Capital Outlay - Fire Stations, including any interest earned, to CIP-33-103.0, Fire Station 29 - San Ysidro, and to expend these monies, including interest, from CIP-33-103.0 for the purpose of constructing Fire Station 29.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 8/1/2001, NR&C voted 5-0 (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea) to approve the City Manager's recommendations.

Aud. Cert. 2200927.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS,
ORDINANCES TO BE INTRODUCED:

ITEM-331: Proposed City of San Diego Ethics Ordinance.

(See Charles B. Walker's 2/11/2002 memo.)

(Continued from March 19, 2002, Item 335, at the request of Councilmember Inzunza, for further review and clarification.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2002-88 Cor. Copy)

Introduction of an Ordinance amending Chapter 2, Article 6, of the San Diego Municipal Code by amending Division 1, by repealing Sections 26.0107 and 26.0108; by amending Division 4, Section 26.0413; by amending Chapter 2, Article 7, by adding Division 35, titled City of San Diego Ethics Ordinance, by adding Sections 27.3501, 27.3502, 27.3503, 27.3510, 27.3520, 27.3521, 27.3522, 27.3525, 27.3526, 27.3530, 27.3550, 27.3551, 27.3560, 27.3561, 27.3562, 27.3563, 27.3564, 27.3570, 27.3571, 27.3572, 27.3573, 27.3580, 27.3581, 27.3582, 27.3583, 27.3588, and 27.3595; by reserving for future use Sections 27.3504 through 27.3509, 27.3511 through 27.3519, 27.3523, 27.3524, 27.3527, 27.3528, 27.3529, 27.3531 through 27.3549, 27.3552 through 27.3559, 27.3565, 27.3566, 27.3567, 27.3568, 27.3569, 27.3574 through 27.3579, 27.3584, 27.3585, 27.3586, 27.3587, and 27.3589 through 27.3594; and by amending Division 40, Section 27.4002, all relating to the City of San Diego Ethics Ordinance, establishing rules of conducts and ethical standards for City officials.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:

On 2/6/2002, RULES voted 4-0 (Councilmembers Wear, Atkins, Stevens and Mayor Murphy voted yea. Councilmember Madaffer not present) to request the Ethics Commission to review the Conflict of Interest Code of all City Boards and Commissions (when they have the time) and

to report back to the Rules Committee.

The Committee voted 5-0 (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea) to change the proposed Section 27.3550(b) from three years to one year.

The Committee voted 5-0 (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea) to approve the 2/1/2002 revised draft of the City of San Diego Ethics Ordinance (with the Section 27.3550(b) change noted above) and with no decision on whether or not contributions can be solicited from volunteers serving on City Boards and Commissions (see proposed Section 27.3571) and to forward the same to the full City Council for approval.

ADOPTION AGENDA, HEARINGS
SPECIAL HEARINGS:

ITEM-332: Special Hearing - FY2003 Community Development Block Grant (CDBG) Program Funding.

The purpose of this special hearing is to receive public testimony on requests for Fiscal Year 2003 Community Development Block Grant Program funding allocations.

The special hearing will be closed at the end of public testimony. The resolution in Subitem B will be continued to April 30, 2002 for Council discussion and decisions regarding the distribution of available funds.

CITY MANAGER'S RECOMMENDATION:

Hold the public hearing in Subitem A, close the hearing at the conclusion of public testimony; and continue Subitem B to April 30, 2002:

Subitem-A:

Special Hearing - FY 2003 Community Development Block Grant Program.

Public Testimony will be heard in the following order:

1. CDBG Applications 1-193 in the order in which they are numbered.
2. Other Testimony.

Subitem-B: (R-2002-1347)

NOTE: Subitem B will be continued to April 30, 2002 at the conclusion of today's

public hearing.

Approving and appropriating the funding allocations for the FY2003 Community Development Block Grant (CDBG) Program, contingent upon certification of funds availability by the City Auditor and Comptroller, and incorporating projects funded into the City's FY2003 CDBG Action Plan;

Authorizing the City Manager to submit the FY2003 Community Development Block Grant (CDBG) Action Plan to the U.S. Department of Housing and Urban Development, and upon acceptance, execute grant agreement for Federal Fiscal Year 2002 Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), Housing Opportunities for People with AIDS (HOPWA), and HOME Investment Partnership (HOME) funds;

Authorizing the City Manager to negotiate and execute agreements with all programs approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to reprogram funding from prior year CDBG funded projects to FY2003 projects, as adopted by Council, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the Executive Director of the San Diego Housing Commission to negotiate and execute agreements with all funded programs whose allocations the City Manager asks the San Diego Housing Commission to administer, contingent upon certification of funds availability by the City Auditor and Comptroller.

CITY MANAGER SUPPORTING INFORMATION:

The purpose of the public hearing is to hear testimony on the FY2003 Community Development Block Grant (CDBG) program. There are 193 CDBG applications. Each CDBG application has been assigned a number and the applicant will be invited to testify in numerical order. At the conclusion of the CDBG testimony, general program and other comments will be heard. The hearing will then be closed and the remainder of the item (Subitem B) will be continued to April 30, 2002, at which time Council discussion and funding decisions will occur.

FISCAL IMPACT:

Funds are available from the Community Development Block Grant to cover the costs of these programs.

Herring/Cunningham/EL

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT